

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., J.C.P., Director of Community Planning & Development

Date: April 10, 2012

RE: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2005 DISASTER RECOVERY INITIATIVE CDBG GRANT AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND MIAMI-DADE COUNTY TO PROVIDE FOR AN EXTENSION OF THE CONTRACT PERIOD AND FOR THE RECEIPT AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINETY THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS AND NO CENTS (\$2,090,264.00) FOR HOUSING REHABILITATION PROJECTS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES

RECOMMENDATION

Staff recommends the approval of this request to execute the third and fourth Amendments to the State of Florida Dept of Community Affairs 2005 Disaster Recovery Initiative (DRI) CDBG grant agreement between the City of North Miami and Miami-Dade County. The approval of this request allows the City to extend the contract time with Miami Dade County and to expend the balance of grant funds not to exceed five million, eight hundred and two thousand, seven hundred and sixty-four dollars and no cents (\$5,802,500.00) for "Round One" and "Round Two" and to complete all projects by June 30, 2012.

BACKGROUND

The City of North Miami was initially awarded One Million Five Hundred Ninety Thousand Dollars (\$1,590,000.00) under the State of Florida Department of Community Affairs 2005 Disaster Recovery CDBG Grant to assist low and moderate income families with housing rehabilitation. Subsequent to the initial award, the City entered into amendments with the County to accept additional allocations of Three Hundred and Seventy-Five Thousand Dollars and No Cents (\$375,000.00) and One Hundred and Twenty-Five Thousand Two Hundred

and Sixty-Four Dollars and No Cents (\$125,264.00). This "Round One" of the DRI funding was a total of Two Million and Ninety Thousand and Two Hundred and Sixty Four Dollars and No cents (\$2,090,264.00).

The City encumbered all the funding and expended more than ninety-five (95%) of the funds allocated in the DRI - Round One funding. The County in recognition of the City's expeditious expenditure of the funds, desires to amend the agreement to disburse the remaining grant funding not to exceed the total of the "Round One" Disaster Recovery Grant funding - Two Million and Ninety Thousand and Two Hundred and Sixty Four Dollars and No cents (\$2,090,264.00).

Subsequent to the initial award, the City entered into amendments with the County for "Round Two" of this Disaster Recovery CDBG Grant to accept additional allocations of Three Million Dollars and No Cents (\$3,000,000.00) and an additional allocation of Seven Hundred Twelve Thousand Dollars and No Cents (\$712,000.00). The County, in recognition of the City's expeditious expenditure of the funds, desires to amend the Agreement to disburse additional grant funding in an amount not to exceed Three Million Seven and Twelve Thousand Five Hundred Dollars and No Cents (\$3,712,500.00).

The City encumbered all the funding and expended more than ninety-five (95%) of the funds allocated in the DRI - Round Two funding. The County in recognition of the City's expeditious expenditure of the funds, desires to amend the agreement to disburse the remaining grant funding not to exceed the total of the "Round Two" Disaster Recovery Grant funding - Three Million Seven and Twelve Thousand Five Hundred Dollars and No Cents (\$3,712,500.00).

The City is required to utilize these funds to repair homes damaged as a result of 2005 hurricanes. To receive reimbursements of the additional grant funds the City must execute an Amended Agreement with the County which extends the completion date to June 30, 2012.

The Mayor and City Council will authorize the execution of this amendment to the agreement, in substantially the same form, as attached as "Exhibit A" and "Exhibit B" and the receipt and expenditure of funds for the purpose of housing rehabilitation. It is recommended that the City Manager be authorized to enter into and execute an amended agreement with the County to extend the time limit to June 30, 2012 for the 2005 Disaster Recovery CDBG funds not to exceed a total of Five Million Eight Hundred and Two Thousand Five Hundred (\$5,802,500.00) Dollars between the City of North Miami, Florida and Miami-Dade County for both Rounds One and Two.

Attachments

- 1) "Exhibit A" - Amendment Four, Round One-DRI Contract Extension document from Miami-Dade County.
- 2) "Exhibit B" - Amendment Three, Round Two-DRI Contract Extension document from Miami-Dade County.
- 3) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2005 DISASTER RECOVERY INITIATIVE CDBG GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI TO PROVIDE FOR AN EXTENSION OF THE CONTRACT PERIOD AND FOR THE RECEIPT AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINETY THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS AND NO CENTS (\$2,090,264.00) FOR HOUSING REHABILITATION PROJECTS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami ("City") was initially awarded One Million Five Hundred Ninety Thousand Dollars and No Cents (\$1,590,000.00) under the State of Florida Department of Community Affairs 2005 Disaster Recovery Initiative CDBG Grant to assist low and moderate income families with housing rehabilitation; and

WHEREAS, subsequent to the initial award, the City entered into amendments with the County to accept additional allocations of Three Hundred Seventy-Five Thousand Dollars and No Cents (\$375,000.00) and One Hundred Twenty-Five Thousand Two Hundred Sixty-Four Dollars and No Cents (\$125,264.00) to assist low and moderate income families with housing rehabilitation; and

WHEREAS, the City has encumbered all the funding and expended more than ninety-five (95) percent of the funds allocated; and

WHEREAS, Miami-Dade County, in recognition of the City's expeditious expenditure of the funds, desires to amend the agreement to disburse the remaining grant funding not to exceed the total amount of this "Round One" Disaster Recovery Initiative Grant funding of Two Million Ninety Thousand Two Hundred Sixty-Four Dollars and No Cents (\$2,090,264.00); and

WHEREAS, the City is required to utilize these funds to repair homes damaged as a result of the 2005 hurricanes; and

WHEREAS, to receive reimbursements of the additional Grant funds the City must execute an amended Agreement with the County which extends the completion date to June 30, 2012; and

WHEREAS, the Mayor and City Council desire to authorize the execution of this amendment to the agreement for the extension of the contract period and the receipt and expenditure of funds for the purpose of housing rehabilitation.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COUNCIL FO THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority to City Manager. The City Manager is hereby authorized to execute a Fourth Amendment to the State of Florida Department of Community Affairs 2005 Disaster Recovery Initiative CDBG Grant Agreement between Miami-Dade County and the City of North Miami to provide for an extension of the contract period and for the receipt and expenditure of grant funds in an amount not to exceed Two Million Ninety Thousand Two Hundred Sixty-Four Dollars and No Cents (\$2,090,264.00) for housing rehabilitation projects.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of April, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

**AMENDMENT FOUR TO THE
FY 2005 COMMUNITY DEVELOPMENT BLOCK GRANT
SUPPLEMENTAL DISASTER RECOVERY INITIATIVE
GOVERNMENTAL CONTRACT BETWEEN
MIAMI-DADE COUNTY
AND
THE CITY OF NORTH MIAMI**

This amendment amends the FY 2005 CDBG Contract (the "**Contract**") entered into between Miami-Dade County, hereinafter referred to as the "County" and The City of North Miami hereinafter referred to as the "Awardee" executed on May 30, 2007, is amended as follows:

IV. The Awardee and the County Agree:

A. Effective Date

2. This Contract shall expire on June 30, 2012. Any costs incurred by the Awardee beyond this date will not be reimbursed by the County. The term of this agreement and the provisions herein may be extended by the County to cover any additional time period during which the Awardee remains in control of the CDBG funds or other assets, including Program Income to support CDBG eligible activities. Any extension made pursuant to this paragraph shall be accomplished by a writing by the County to the Awardee. Such notice shall automatically become a part of this contract.

Attachment "A" is replaced with the new Attachment "A" attached herewith.
Attachment "B" is replaced with the new Attachment "B" attached herewith.

The effective date of this amendment is December 31, 2011.

This Amendment is intended to extend the Contract, until June 30, 2012. The Parties ratify and adopt all the provisions, duties and obligations of the Contract as if fully set forth herein.

This Amendment and all its attachments are hereby made a part of the Contract. Except for the changes enumerated herein, this agreement shall remain unchanged.

IN WITNESS THEREOF the parties agree to the mutual covenants herein contained and have caused this three (03) page Amendment to the Contract to be executed on their behalf this day of _____, _____ 2012.

BY: **CONTRACTOR:**
The City of North Miami

BY: **MIAMI-DADE COUNTY**

NAME: Stephen Johnson

NAME: Carlos A. Gimenez

TITLE: City Manager, City of North Miami

TITLE: County Mayor

DATE: _____

BY: _____

ATTEST

NAME _____

BY: _____

TITLE: _____

TITLE: Clerk, Board of County Commissioners

DATE _____

Witnesses:

BY: _____

(Signature)

Type or Print Name

Federal ID Number: 59-6000390

CORPORATE SEAL:

Resolutions #: R-1292-06; R-645-08; R-184-10; and R-240-11

Contractor's Fiscal Year Ending Date: September 30

CONTRACT IS NOT VALID UNTIL SIGNED AND DATED BY BOTH PARTIES

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Budget

January 1, 2007 to June 30, 2012

(MT) 652-21 OMI

**City of North Miami
FY 2011
Scope of Services
January 1, 2007 – June 30, 2012**

- 1. Activity Title Housing Rehabilitation**
- 2. Activity Description: Replacing roof, windows, shutters, doors and interior work as needed.**
- 3. Approved by the BCC \$ 2,090,264**
- 4. Source CDBG DRI FY 2005**
- 5. HUD information**
 - 5a –HUD matrix code: 14 A**
 - 5b-Title: Housing Rehabilitation**
 - 5c-eligibility 570.202**
- 6. ACCOMPLISHMENTS**
 - 6a-Number of Units 70**
 - 6b- Type: Single Family Residence**
- 7. NATIONAL OBJECTIVE: 570.208 (A)(3) Low/Mod Housing (LMH)**
- 8. Activity Address: Various addresses within City limits**
- 9. LOCATION: City of North Miami Entitlement**

City of North Miami Single-family Unit Rehabilitation Project

2005 Disaster Recovery Initiative
Florida Small Cities CDBG Program

City of North Miami, Single-family Unit Residential Rehabilitation Project

A-1

The 2005 Hurricane Season brought destruction and despair to the housing stock of the City of North Miami. The widespread destruction and the demand for contractors have driven up the costs of construction and rehabilitation.

Before Hurricane Wilma graced our shores, we have consistently maintained a rehabilitation waiting list of over 300 residents. After the storm passed and many regained electricity and telephone service, we received numerous calls and office visits from residents, on and off the waiting list. Most of their homes were already in need of repairs and the storm made many of the units unsafe and uninhabitable.

A large percentage of the resident's requests and concerns were repairing the existing damages as well as making their homes strong enough to withstand the next hurricane season. Many affected residents had no windstorm coverage in their Homeowner's Insurance Policy. Some had large deductibles that they were not able to cover. And others that received payment of claims, the amount was insufficient to pay the actual cost of repairs. In an effort to help our residents, the City of North Miami responded by creating the Roof and Shutter Programs. These strategies were funded by Community Development Block Grant (CDBG) with a City Council act of resolution to reprogram some of our Single Family Rehabilitation dollars.

We have aggressively taken on many of these projects since March of 2006. The funds allocated to this program are all expended or encumbered. There are over 90 other residents still waiting for assistance. Funding received from the CDBG program will be a great opportunity for us to continue this successful program and assist our residents. In addition to installing new roofs and hurricane shutters, we would also like to make structural repairs and install new windows for the units that need to meet the current Code Compliance Requirements. In order to accomplish this goal, the CDBG Disaster Recovery Initiative funding is critical.

Services are made available to persons who own and occupy homes located in the City of North Miami. Interested homeowners may submit an application to the Housing Division at 12340 NE 8th Ave, North Miami, Florida, between the hours of 9:00 am and 4:00 pm, Monday through Friday.

Selection Criteria:

Preference is given to eligible applicants in the order of the selection criteria listed below:

1. Very Low Income

- Elderly (age 60 and older), and/or handicapped head of household applicants
- Households with minor children and/or handicapped members of the household
- All other very low income persons and/or families

2. Low Income

- Elderly (age 60 and older), and/or handicapped head of household applicants
- Households with minor children and/or handicapped members of the household
- All other very low income persons and/or families

3. Moderate Income

AH

- Elderly (age 60 and older), and/or handicapped head of household applicants
- Households with minor children and/or handicapped members of the household
- All other very low income persons and/or families

All work will comply with the local minimum housing code standards, Chapter 553, Florida Statutes and CDBG regulations enforced by the U.S. Department of Housing and Urban Development. These strategies are to promote the preservation of existing housing stock. The homeowner must agree to maintain the unit in good condition while adhering to the City of North Miami's Code of Ordinance. Units are subject to annual compliance inspections.

These funds are allocated as a deferred loan. Each deferred loan will be partially forgiven each year over a 7-year period. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, the homeowner shall pay to the City the remaining balance of the loan, along with the pro-rated interest. Interest shall be computed at a rate of 4% per annum, simple interest.

The City will manage the project via a subrecipient agreement with Miami-Dade County.

The project budget is included in Attachment A.

Appendix 6 includes maps depicting the city boundaries and CDBG eligible block groups.